



**PUBLIC NOTICE
WILLIAMSBURG CITY COUNCIL**

The Williamsburg City Council will hold a public hearing on Thursday, October 11, 2007, 2:00 p.m. in the Stryker Building, 412 North Boundary Street, to consider the following:

PCR #07-030: Amendment of the Zoning Ordinance to update the references to the State Code for advertisement requirements for Special Use Permits (Sec. 21-45) and Amendments (Secs. 21-62 and 21-63), and to extend the Planning Commission reporting period for Special Use Permits and Amendments from 90 days to 100 days (Secs. 21-45 and 21-62).

PCR #07-031: Amendment of the Zoning Ordinance to update the references to the State Code for advertisement requirements for the Board of Zoning Appeals [variances, appeals, interpretations and special exceptions – Secs. 21-97(b)(3), (c), (d), and (f)(4)], and to update the reference to the State Code definition of variance [Sec. 21-97(b)].

Additional information is available at www.williamsburgva.gov/dept/council/agendas.htm; at the Planning Department [(757) 220-6130], 401 Lafayette Street; or at the Williamsburg Regional Library. Interested citizens are invited to attend this hearing and present their comments to the Council.

If you are disabled and need accommodation in order to participate in the public hearing, please call the City Manager's office at (757) 220-6100, (TTY) 220-6108, no later than 12:00 noon, Thursday, October 4, 2007.

Shelia Y. Crist
Clerk of Council



CITY OF WILLIAMSBURG

MEMORANDUM

DATE: September 26, 2007

SUBJECT: PCR #07-030
Housekeeping amendments for Special Use Permits and Amendments
PCR #07-031
Housekeeping amendments for Board of Zoning Appeals

Recodification of the State Code has made Zoning Ordinance references to State Code advertising requirements (§15.2-2204) incorrect for Special Use Permits [Sec. 21-45(a) of the Zoning Ordinance], Zoning Ordinance Amendments [Secs. 21-62(b) and 21-63(a) of the Zoning Ordinance], and Board of Zoning Appeals cases [Secs. 21-97(b)(3), (c), (d) and (f)(4) of the Zoning Ordinance].

Recodification also allows the time permitted for Planning Commission review of Special Use Permits [Sec. 21-45(b)] and Zoning Ordinance Amendments [Sec. 21-62(c) of the Zoning Ordinance] to be increased from 90 days to 100 days.

Recodification has changed the location of the definition of a Zoning Ordinance variance to §15.2-2201 of the State Code [Sec. 21-97(b) of the Zoning Ordinance].

The attached ordinances make these housekeeping changes to the City's Zoning Ordinance.

STAFF RECOMMENDATION

Staff recommends that Planning Commission recommend to City Council that these changes be approved, as detailed in the attached ordinances.

PLANNING COMMISSION RECOMMENDATION

Planning Commission held a public hearing on these housekeeping changes on September 19. No one spoke for or against the proposals. Planning Commission recommended to City Council, by a vote of 7-0, that these changes be approved, as detailed in the attached ordinances.

CITY COUNCIL PUBLIC HEARING

The City Council public hearing is scheduled for Thursday, October 11, at 2:00 p.m. in the Stryker Building.

Reed T. Nester, AICP
Planning Director

ORDINANCE #07-__
PROPOSED ORDINANCE #07-__

AN ORDINANCE TO AMEND SUBSECTION (a) AND (b) OF SECTION 21-45 OF DIVISION 2, SUBSECTION (b) AND (c) OF SECTION 21-62 AND SUBSECTION (a) OF SECTION 21-63 OF DIVISION 3, ARTICLE II, CHAPTER 21 OF THE WILLIAMSBURG CODE PERTAINING TO PLANNING COMMISSION AND CITY COUNCIL ADVERTISEMENT OF ZONING AMENDMENTS AND SPECIAL USE PERMITS AND EXTENDING THE TIME PERIOD DURING WHICH PLANNING COMMISSION MUST ACT FROM 90 TO 100 DAYS (PCR #07-030)

WHEREAS, § 15.1-431 of the Virginia Code has been recodified as § 15.2-2204; and

WHEREAS, the recodification of § 15.2-2285 made no substantive change except that it extended the time by which planning commission must report its recommendations to the governing body from 90 to 100 days or such shorter time as prescribed by the governing body; and

WHEREAS, City Council finds that it is desirable that the Williamsburg Code should be updated to correctly reflect said recodification and further finds it in the interest of the public health, safety and welfare of the citizens of the City that the Williamsburg Planning Commission be accorded the 100 day reporting period provided by the recodification;

NOW, THEREFORE, it is hereby **ORDAINED** that:

1. Subsections (a) and (b) of Section 21-45 of Division 2 of Article II, Chapter 21 of the Williamsburg Code are hereby **AMENDED** to read:

DIVISION 2. SPECIAL USE PERMITS

Sec. 21-45. Action by planning commission.

(a) No special use permit shall be approved unless the proposal has been reviewed by the planning commission. The commission shall hold at least one public hearing after notice as required by Code of Virginia, § ~~15.1-431~~ **15.2-2204**. Following the hearing, the planning commission shall prepare and by motion adopt its recommendations, which may include changes in the original proposal resulting from the hearing, and shall transmit such recommendations, together with any explanatory material, to the city council.

(b) Failure of the planning commission to report within ~~90~~ **100** days after the first meeting of the commission after the proposal has been referred to the commission shall be deemed approval, unless the proposed special use permit has been withdrawn by the applicant prior to the expiration of such time period.

2. Subsections (b) and (c) of Section 21-62, and Subsection (a) of Section 21-63 of Division 3 of Article II, Chapter 21 of the Williamsburg Code are hereby **AMENDED** to read as follows:

DIVISION 3. AMENDMENTS

Sec. 21-62. Action by planning commission.

(b) The commission shall hold at least one public hearing on such proposed amendment after notice as required by Code of Virginia, § ~~45.1-431~~ 15.2-2204. Following the hearing, the planning commission shall prepare and by motion adopt its recommendations, which may include changes in the original proposal resulting from the hearing, and shall transmit such recommendations, together with any explanatory matter, to the city council.

(c) Failure of the planning commission to report within ~~90~~ 100 days after the first meeting of the commission after the proposal has been referred to the commission shall be deemed a recommendation for approval, unless such proposal has been withdrawn by the applicant prior to the expiration of such time period.

Sec. 21-63. Action by city council.

(a) Before approving the proposed amendment, the city council shall hold at least one public hearing, after public notice as required by Code of Virginia, § ~~45.1-431~~ 15.2-2204, after which the city council may make appropriate changes or corrections in the proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public notice as required by Code of Virginia, § ~~45.1-431~~ 15.2-2204.

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

This ordinance shall become effective on the tenth day following its passage.

Adopted:

Jeanne Zeidler, Mayor

Clerk of Council

ORDINANCE #07-__
PROPOSED ORDINANCE #07-__
AN ORDINANCE TO AMEND SUBSECTIONS (b)(3), (c), (d) AND
(f)(4)(b) OF SECTION 21-97 OF DIVISION 5, ARTICLE II, CHAPTER 21
OF THE WILLIAMSBURG CODE PERTAINING TO BOARD OF ZONING
APPEALS ADVERTISEMENT OF REQUESTS FOR VARIANCES,
APPEALS, INTERPRETATIONS AND SPECIAL EXCEPTIONS
(PCR #07-031)

WHEREAS, § 15.1-431 of the Virginia Code has been recodified as § 15.2-2204, and § 15.1-430 has been recodified as § 15.2-2201; and

WHEREAS, City Council finds that it is desirable that the Williamsburg Code should be updated to correctly reflect said recodification;

NOW, THEREFORE, it is hereby **ORDAINED** that:

Subsections (b)(3), (c), (d) and (f)(4) of Section 21-97 of Division 5 of Article II, Chapter 21 of the Williamsburg Code are hereby **AMENDED** to read:

DIVISION 5. BOARD OF ZONING APPEALS

Sec. 21-97. Powers of the board of zoning appeals.

The board of zoning appeals shall have the following powers and duties:

(b) To authorize upon appeal or original application in specific cases such variance (as defined in Code of Virginia, § ~~15.1-430(p)~~ 15.2-2201) from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions will result in unnecessary hardship, provided that the spirit of the chapter shall be observed and substantial justice done, as follows:

(3) No such variance shall be authorized except after notice and hearings as required by Code of Virginia, § ~~15.1-431~~ 15.2-2204.

(c) To hear and decide appeals from the decision of the zoning administrator. No such appeal shall be heard except after notice and hearing as provided by Code of Virginia, § ~~15.1-431~~ 15.2-2204.

(d) To hear and decide applications for interpretation of the official zoning map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by such question, and after public hearing with notice as required by Code of Virginia, § ~~15.1-431~~ 15.2-2204, the board may interpret the map in such way as to carry out the intent and purpose of the chapter for the particular section or district in question. The

board shall not have the power to change substantially the locations of district boundaries as established by this chapter.

(f) To hear and decide applications for such special exceptions as may be authorized by this chapter.

(4) No such special exception may be granted except after notice and hearing as provided by Code of Virginia, § 45.1-434 15.2-2204.

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

This ordinance shall become effective on the tenth day following its passage.

Adopted:

Jeanne Zeidler, Mayor

Clerk of Council